



**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/8769, LU/8078 & LU/8771

Our File Reference Number: Erven 1616, 3494 and 3747, Franschhoek

Your Reference Number: P3284/07(8)PP

Enquiries: Lenacia Kamineth / Robert Fooy

Contact No: 021 – 808 8697

Email address: [Landuse.Appeals@stellenbosch.gov.za](mailto:Landuse.Appeals@stellenbosch.gov.za) / [Robert.Fooy@stellenbosch.gov.za](mailto:Robert.Fooy@stellenbosch.gov.za)

Per email: [david@dhaa.co.za](mailto:david@dhaa.co.za)

Dear Mr Hellig

**APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015):**

**APPLICATION FOR THE REZONING OF ERF 1616 AND 3494, FRANSCHHOEK**

**APPLICATION FOR A BUILDING LINE DEPARTURE ON ERF 3494, FRANSCHHOEK**

**APPLICATION FOR CONSENT USE AND TEMPORARY DEPARTURE ON ERF 3747, FRANSCHHOEK TO FACILITATE THE USE OF THESE THREE PROPERTIES FOR GUEST HOUSE PURPOSES WITH A FUNCTIONS VENUE**

1. This Municipality's decision letter dated 21 January 2021, refers. This letter is the final letter after the appeal process.
2. The appeal submitted against the approval of the Authorised Decision Maker on 21 January 2021 in respect of the Application for the rezoning of Erf 1616 and 3494, Franschhoek, Application for a building line departure on Erf 3494, Franschhoek and Application for consent use and temporary departure on Erf 3747 Franschhoek to facilitate the use of these three properties for Guest House purposes with a Functions Venue, **BE DISMISSED** and that the subject decision **BE CONFIRMED** in

Erven 1616, 3494 and 3747, Franschhoek

terms of section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2015, as follows:

- 2.1 The application in terms of Section 15(2)(a) of the By-Law for the Rezoning of **Erf 1616, Franschhoek** from **Single Residential to General Residential** to permit the use of the existing dwelling on the subject property for Guest House purposes;
- 2.2 The application in terms of Section 15(2)(a) of the By-Law for the Rezoning of **Erf 3494, Franschhoek** from **Single Residential to General Residential** to permit the use of the existing dwelling on the subject property for Guest House purposes;
- 2.3 The application in terms of Section 15(2)(b) of the By-Law for Departure on **Erf 3494, Franschhoek** to relax the 4.6m side building line to 0m adjoining erf 877, for the existing outbuildings already located on the subject property;
- 2.4 The application in terms of Section 15(2)(o) of the By-Law for a Consent Use to utilise the Manor House, Cottage and Winery building footprints for Guest House purposes on **Erf 3747, Franschhoek**;
- 2.5 The application in terms of Section 15(2)(o) of the By-Law for a Temporary Land Use Departure on **Erf 3747, Franschhoek**, to utilise the existing Store for a Function Venue to be utilised by the patrons of the Guest House only.

### **BE APPROVED SUBJECT TO CONDITIONS**

3. The approval above **BE SUBJECT** to the following conditions in terms of Section 60 of the said Bylaw:
  - 3.1 The approval only applies to the proposals in question, as indicated on the following Site Development Plan drawn by: Eric Gobbler Architects, dated 18 May 2018, attached as **Annexure 4** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

- 3.1.1 Plan No: May 2018-Erf 1616, Franschhoek
- 3.1.2 Plan No: May 2018-Erf 3494, Franschhoek
- 3.1.3 Plan No: May 2018-Erf 3747, Franschhoek, Page 1 to 4

3.2 The development be undertaken in accordance with the Site Development Plan drawn by: Eric Grobler Architects, dated 18 May 2018 and attached as Annexure 4.

3.3 That the rezoning of Erf 1616 and Erf 3494, Franschhoek from Single Residential to General Residential purposes is specifically only to facilitate the use of these properties for guest house purposes only.

3.4 The total number of suites available to guests be limited as follows:

- 3.4.1 1 Suite on erf 1616; Franschhoek;
- 3.4.2 5 Suites on erf 3494, Franschhoek; and
- 3.4.3 8 Suites on erf 3747, Franschhoek;

3.5 The Function Venue is to be utilised only by the patrons of the Guest House and is to be limited to 40 guests with a maximum of 6 functions per year.

3.6 All services to be provided in accordance with the engineering services report attached to the applications by Norte & De Villiers Consulting Engineers for each property and to the satisfaction of the Directorate: Infrastructure Services.

3.7 Development Charges (DC's) are payable on all the applications under consideration in terms of the approved tariff structure and the appropriate tariff will be calculated using the tariff structure applicable at date of payment. (attached as Annexure 6).

3.8 All DC's are payable before building plan approval or prior to the property / building/s being put to the uses applied for.

3.9 DC's will not be charged, for the Temporary Departure, which lapses after a maximum of 5 years. Should a new application be submitted, DC's will be charged as this would constitute a prolonged impact on the bulk services.

3.10 Building plans for all the buildings must be submitted to the Municipality for approval prior to any building work commencing onsite and all building plans are to be endorsed by Heritage Western Cape where applicable.

5. The above decision was made for the following reason(s) in terms of section 81(7)(c) of the said By-law:

5.1 The proposed building line relaxation is for existing buildings already located on the subject property and thus the approval of this application will have no impact on the adjoining property as these buildings are already located on the common boundary line.

5.2 The proposal is not inconsistent with the principles of the Stellenbosch Integrated Development Plan and the Municipal Spatial Development Framework.

5.3 The proposal supports the further development of the town's tourist infrastructure and provides additional tourist accommodation.

5.4 The proposed land uses are compatible with the surrounding land uses as the intended use is primarily residential in nature.

5.5 The proposal will have a positive impact on the local economy as it will create new employment opportunities (temporary and permanent).

5.6 Approval of the proposal will increase the existing rates and taxes base of the Municipality.

5.7 The approval granted for the General Residential Zone is linked to the use of the property for guest house purposes only.

5.8 The appellants did not provide any compelling arguments or new information that warrant an alternative decision on the matter.

6. Accordingly, the decision detailed in this letter may be implemented, subject to compliance with the conditions of approval.

Yours faithfully



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**FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

**DATE:** 28/02/2022

**COPIES TO:**

1. Brian Howard /Siegfried Schafer  
Franschhoek Heritage and Ratepayers Association

Email: [REDACTED] /

[REDACTED] / [REDACTED]

2. Matthew & Nicky Gordon

Email: [REDACTED]

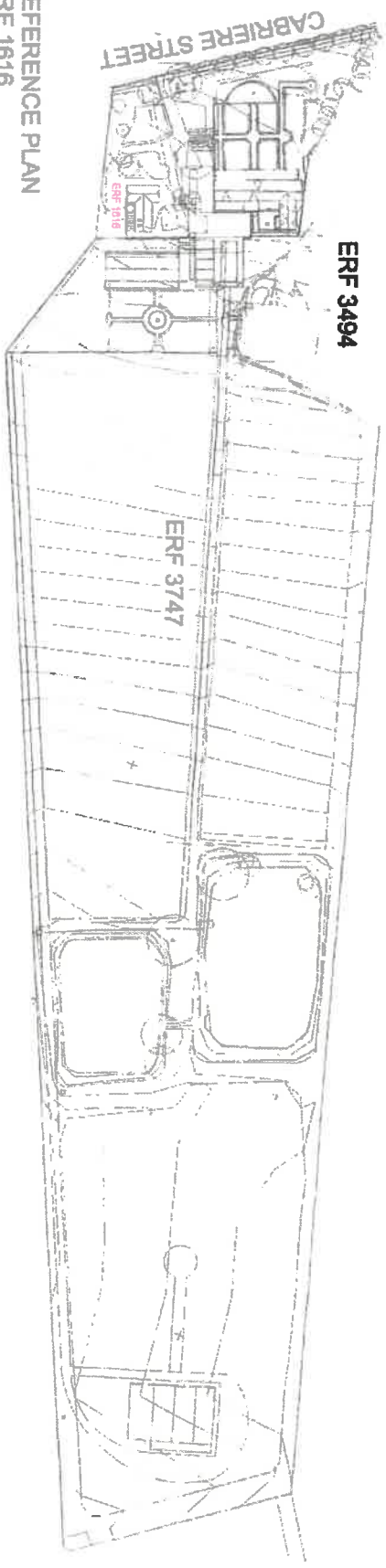
3. Phillip Lund

Email: [REDACTED]

# ANNEXURE 4

CABRIERE STREET

ERF 3494



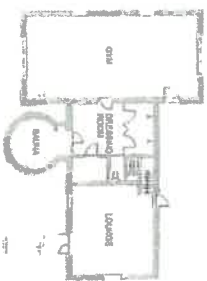
REFERENCE PLAN  
ERF 1616  
SCALE 1 : 550

SDP COTTAGE FINAL ERF  
1616 29 MAY 2018



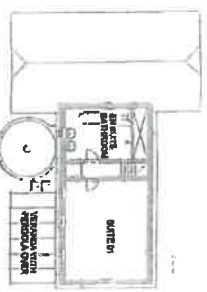
LA CABRIERE  
SITE DEVELOPMENT PLAN  
ERF 1616  
SCALE 1:100

SDP COTTAGE FINAL ERF  
1616 29 MAY 2018  
ROADPRINT



GROUND FLOOR PLAN  
SCALE 1:100

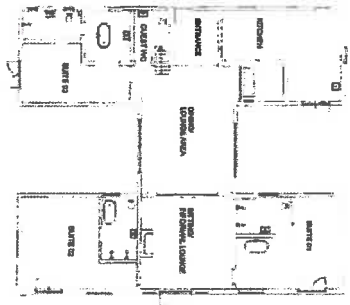
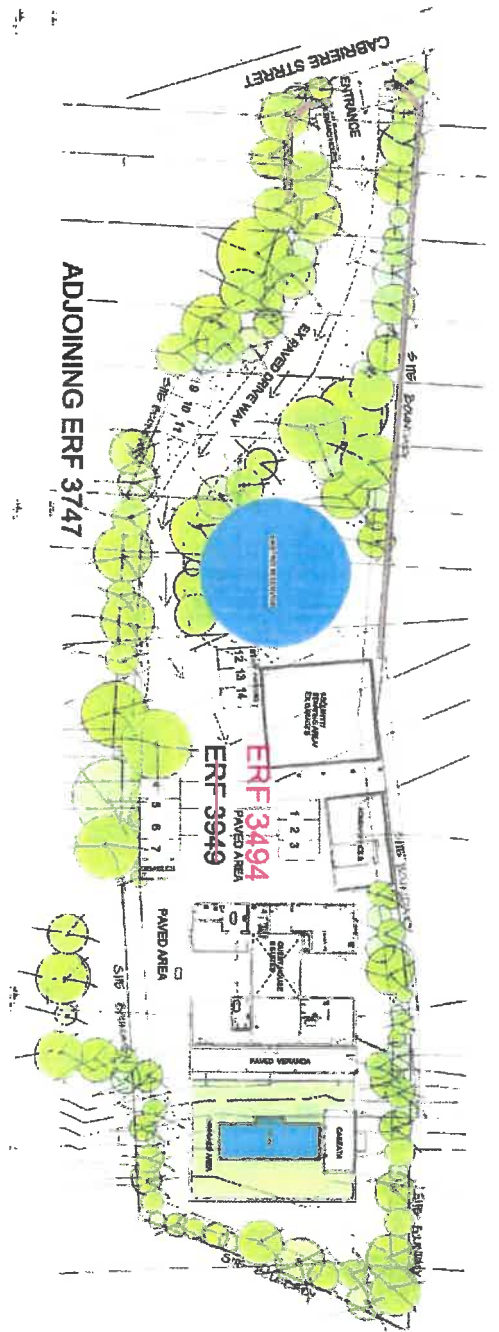
COTTAGE - GUEST SUITE 01  
ERF SIZE : 1512 m<sup>2</sup>  
G.L.A : 224m<sup>2</sup>  
PARKING : 1 Standard Bay  
1 Disabled Parking



FIRST FLOOR PLAN  
SCALE 1:100

Drawn By: Eric Grobler Architects  
Date: 18 May 2018  
SDP - May 2018-Erf 1616, Franschoek





**GUEST HOUSE: 5 GUEST SUITES**  
**ERF SIZE : 4477.0m2**  
**GLA : 398.0m2**  
**PARKING : STANDARD BAYS : 05**  
**DISABLED BAYS : 01**  
**STAFF BAYS : 03**  
**EXTRA BAYS : 05**

**LA CABRIERE**  
**SITE DEVELOPMENT PLAN**  
**ERF 3949 FRANSCHHOEK**  
**SCALE 1:200**  
**ERF 3494, FRANSCHHOEK**

**GROUND FLOOR PLAN**  
**SCALE 1:100**

**FIRST FLOOR PLAN**  
**SCALE 1:100**



**Drawn By: Eric Grobler Architects**  
**Date: 18 May 2018**  
**SDP - May 2018-Erf 3494, Franschoek**



**LA CABRIERE 225/18**

**BREAKDOWN FOR GUEST HOUSE CONSENT USE APPLICATION**

1. EXISTING MANOR HOUSE and COTTAGE	5 GUEST SUITES ( EN-SUITE BATHROOMS)	GLA :	1148.0m <sup>2</sup>	STANDARD PARKING BAYS : 06	DISABLED PARKING BAYS : 01	ADDITIONAL PARKING BAYS : 04
2. EXISTING WINERY	2 GUEST SUITES ( ENSUITE BATHROOMS)	GLA :	591.0m <sup>2</sup>	STANDARD PARKING BAYS : 02	DISABLED PARKING BAYS : 01	ADDITIONAL PARKING BAYS : 01
3. EXISTING HANGAR	GUEST USER PRIVILEGE FOR 40 PERSONS	GLA : 257.0m <sup>2</sup>		STANDARD PARKING BAYS : 28	DISABLED PARKING BAYS : 02	ADDITIONAL PARKING BAYS : 02 - STAFF PARKING
	ADDITIONS : STAFF QUARTERS	AREA: 180.0m <sup>2</sup>				
<b>TOTAL GLA : 1985.0m<sup>2</sup></b>				<b>TOTAL : STANDARD PARKING BAYS : 36</b>	<b>TOTAL : DISABLED PARKING BAYS : 04</b>	<b>TOTAL : ADDITIONAL PARKING BAYS : 05</b>
				<b>TOTAL : LIVE IN STAFF PARKING : 02</b>		

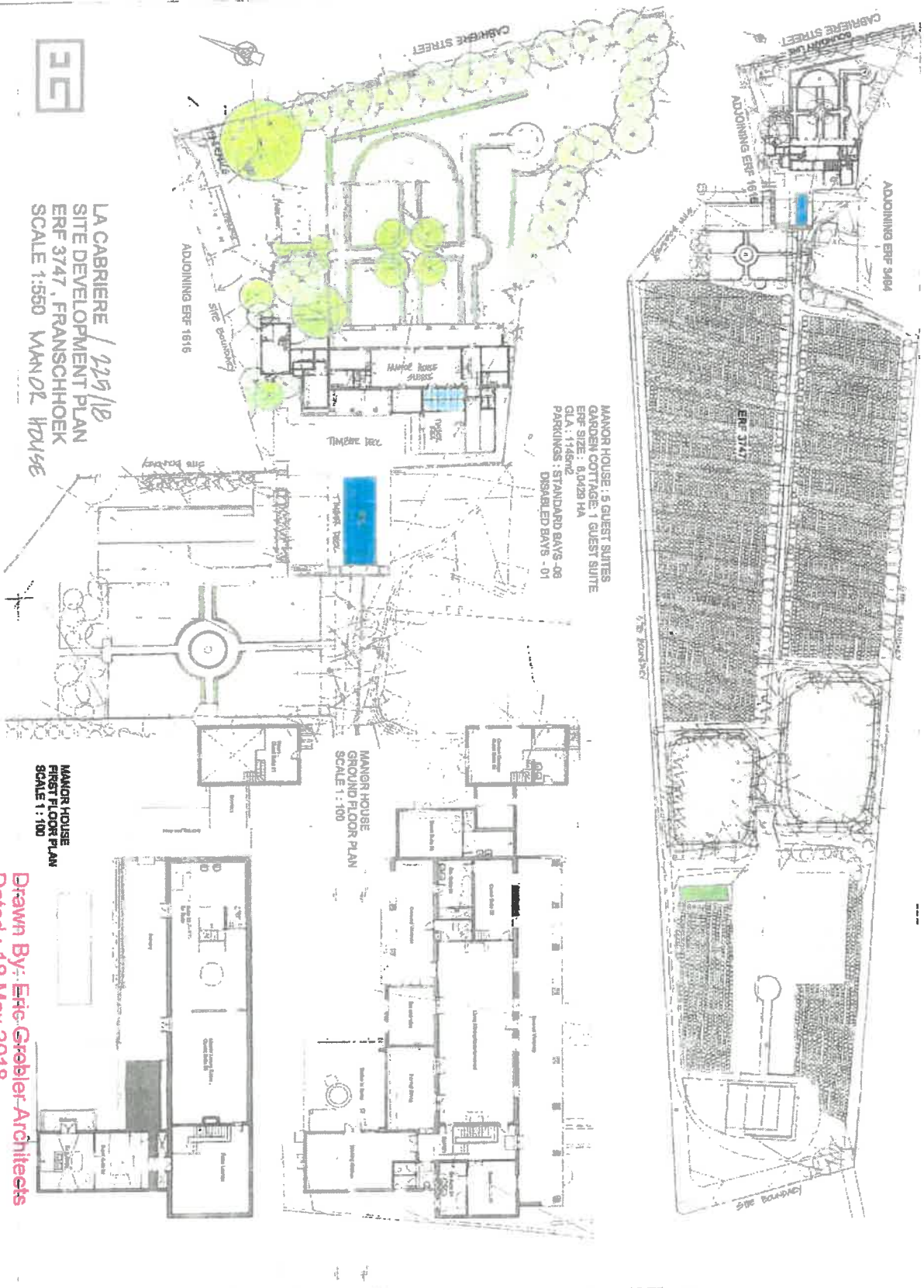


**LA CABRIERE 225/18**  
**SITE DEVELOPMENT PLAN : ERF 3747 - OVERALL LAYOUT**  
**SCALE 1:550**

**Drawn By: Eric Grobler Architects**  
**Dated : 18 May 2018**  
**Plan No: May 2018-Erf 3747, Franschoek**  
**Page: 1 of 4**



LA CABRIERE / 229/18  
SITE DEVELOPMENT PLAN  
ERF 3747, FRANSCHHOEK  
SCALE 1:550 MANOR HOUSE



MANOR HOUSE : 5 GUEST SUITES  
GARDEN COTTAGE, 1 GUEST SUITE  
ERF SIZE : 8,0428 HA  
G.L.A : 1145m<sup>2</sup>  
PARKINGS : STANDARD BAYS - 08  
DISABLED BAYS - 01

MANOR HOUSE  
GROUND FLOOR PLAN  
SCALE 1 : 100

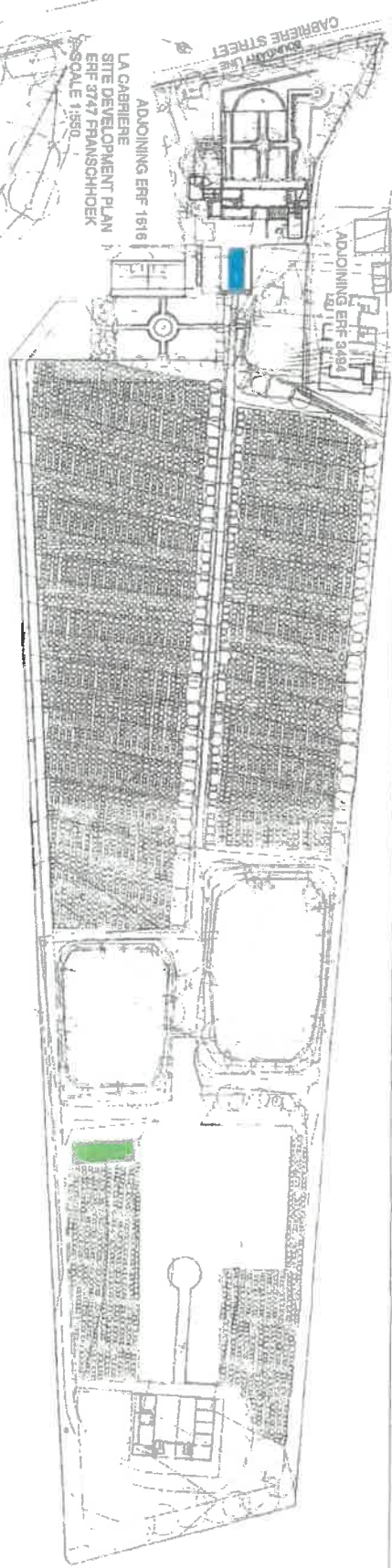
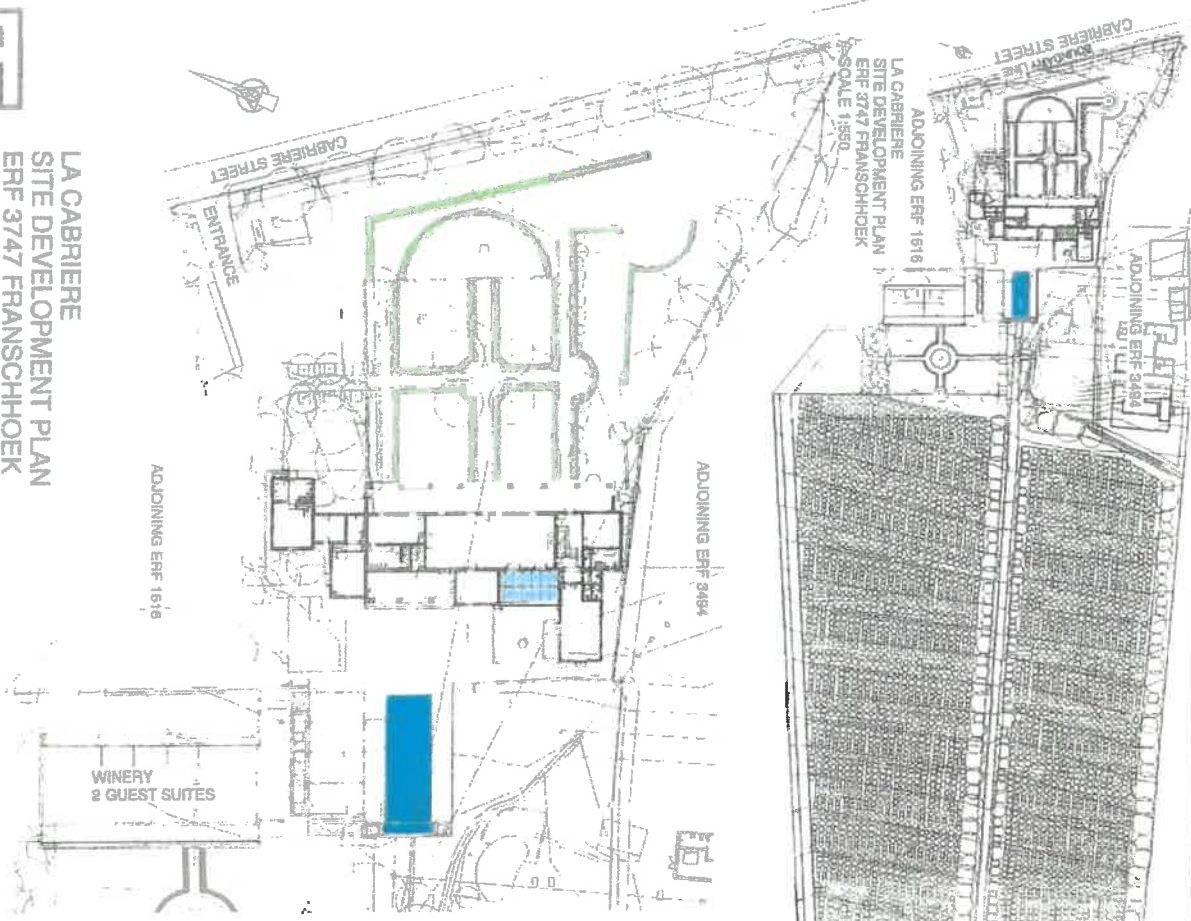
MANOR HOUSE  
FIRST FLOOR PLAN  
SCALE 1 : 100

Drawn By: Eric Grebler Architects  
Dated : 18 May 2018  
Plan No: May 2018-Erf 3747, Franschoek  
Page: 2 of 4



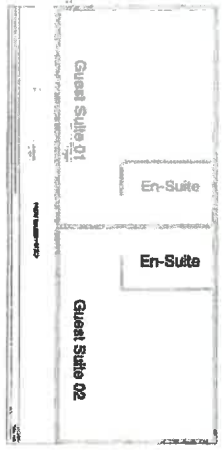


**LA CABRIERE  
SITE DEVELOPMENT PLAN  
ERF 3747 FRANSCHHOEK  
WINERY  
SCALE 1:200**

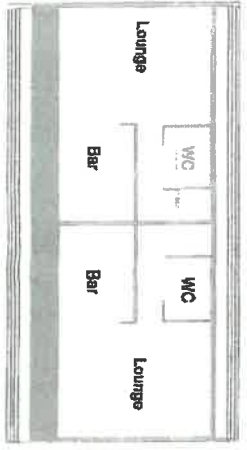


**WINERY : 2 GUEST SUITES**  
**ERF SIZE : 6,048HA**  
**GLA : 581,0m2**  
**PARKING :**

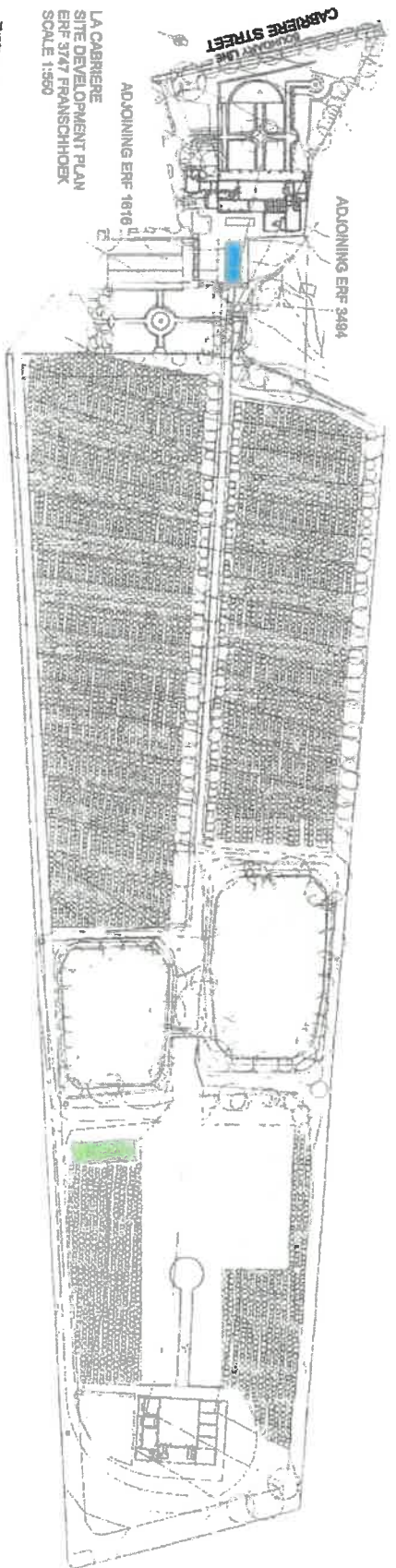
**Standing Parking Bays : 02**  
**Disabled Parking : 01**



**Winery First Floor  
First Floor Layout  
Scale 1:100**



**Winery Ground Floor  
Ground Floor Layout  
Scale 1:100**



LA CABRIERE  
SITE DEVELOPMENT PLAN  
ERF 3747 FRANSCHHOEK  
SCALE 1:500

ERF 3747

LA CABRIERE  
SITE DEVELOPMENT PLAN  
ERF 3747 FRANSCHHOEK  
SCALE 1:200 HANGARVENUE



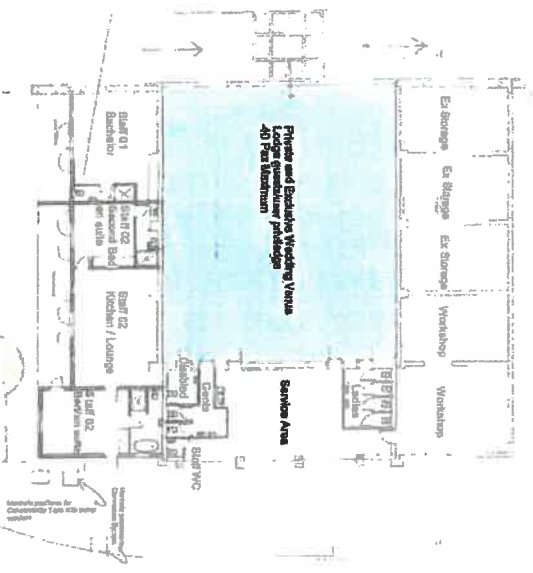
EXISTING GRAVEL ROAD

EXISTING GRAVEL ROAD

ERF 3747

**NEW PRIVATE AND EXCLUSIVE WEDDING VENUE:**  
Designated areas for functions  
**PARKING:**  
GLA: 257m<sup>2</sup>  
Standing Parking Bays: 28  
Dedicated Parking: 02

**STAFF QUARTERS:**  
Benchtop on-Style Unit  
and 2 bedroom on-sala unit:  
180 m<sup>2</sup> (non leaseable)  
2 Staff Parkings



Drawn By: Eric Grobler Architects  
Dated: 18-May 2018  
Plan No: May 2018-Erf 3747, Franschoek  
Page: 4 of 4

# ANNEXURE 6



**INTERDEPARTMENTAL CIRCULATION FORM**

✱

**L&ER VERW/ FILE REF** Erf 1616, Franschhoek **DATE:** 12 November 2018

**AANSOEKNUMMER/APPLICATION NUMBER** LU/8769

- MEMO AAN/ TO :**
- Director : Traffic Engineer / Engineering Services
  - Manager : Electrical Department
  - Manager : Building Development Management
  - Manager : Fire Services
  - Manager : Spatial Planning / Heritage / Environment / Sludge
  - Manager : Health Department (Winelands Health)
  - Manager : Community Services: Albert Van Der Merwe
  - Manager : Property Management (P Smit)
  - Chief Financial Officer
  - Manager : Local Economic Development

CIVIL ENGINEER  
Jag 16/11/2018

**Application** Application is made in terms of Section 15(2)(a) of the By-Law for the rezoning of erf 1616, Franschhoek from Single Residential to General Residential to permit the use of the dwelling on the subject property for guest house purposes.

**Adres / Address** 32 Cabriere Street, Franschhoek

**Aansoek Datum / Application Date** 24 July 2018

**Aansoeker / Applicant** David Hellig & Abrahamse Land Surveyors



Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor oop:  
Please hand deliver the memorandum to me on or before: 14 Dec 2018

COLLABORATOR NR:  
E 1616 FH

**A Hardouin**  
**For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

**ALGEMENE KOMMENTAAR / GENERAL COMMENT:**  
*Official opinion: Recommended for approval - see memo dated 5 Dec 2018*  
 ENG: Recommended for approval - see memo dated 5 Dec 2018

**VOORWAARDES/CONDITIONS:**  
*See memo 5 Dec 2018*

**HANDTEKENING / SIGNATURE** *[Signature]* **DATUM / DATE** 5 Dec 2018



**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH·PNIEL·FRANSCHHOEK

# MEMORANDUM

**DIREKTEUR: INFRASTRUKTUURDIENSTE**  
**DIRECTORATE: INFRASTRUCTURE SERVICES**

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**To ▫ Aan:** Director: Planning + Economic Development  
**Att Aandag** A Hardouin  
**From ▫ Van:** Manager: Development (Infrastructure Services)  
**Author ▫ Skrywer:** Tyrone King  
**Date ▫ Datum:** 5 December 2018  
**Our Ref ▫ Ons Verw:** Civil LU 1744  
**Re ▫ Insake:** Erf 1616, FH: Rezoning

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**The application entails the following:**

- i. Rezoning of Erf 1616 Franschhoek from Single Residential to General Residential form the purposes of utilizing the land unit for the operation of a Guest House establishment for tourist accommodation. The existing cottage situated on Erf 1616 Franschhoek is to be converted into one guest suite.
- ii. Approval of the SDP

**The application is recommended for approval, subject to the following conditions:**

- 1. Provision of civil engineering services**
  - 1.1 All services to be provided as per the engineering services report dated 2018-06-19 by Nortje & De Villiers Consulting Engineers (Ref 18114/SR3).
- 2. Development Charges (DCs)**
  - 2.1 The following DC's are payable: See Development Charge Calculation attached.



# Stellenbosch Municipality - Development Charge Calculation



**APPLICATION INFORMATION**

Application Number: 3744  
 Date: Wednesday, 05/Dec/2018  
 Financial Year: 2018/19  
 Erf Location: [REDACTED]  
 Erf No: 3615  
 Erf Size (m<sup>2</sup>): 4 512  
 Suburb: [REDACTED]  
 Applicant: [REDACTED]  
 Approved Building Plan No.: SDP ER 3616 (th Application)

**SUMMARY OF DC CALCULATION**

Unit(s)	Water	Sewer	Storm-water	he°C	Solid-Waste	Roads	Community Facilities	Totals
	klday	klday	lsec	lsec	l/week	trips/day	person	
Total Increased Services Usage	0.000	0.084	0.000	0.050		18.16	18.2	
Total Development Charges before Deductions		R 1 256.04			R 2 504.32	R 305 083.60		R 111 832.16
Total Deductions								
Total Payable (excluding VAT)		R 1 256.04			R 2 504.32	R 305 083.60		R 111 832.16
VAT		R 158.31			R 375.83	R 16 214.97		R 18 774.82
Total Payable (Including VAT)		R 1 414.35			R 2 879.97	R 321 298.57		R 128 606.98

**APPLICANT INFORMATION**

Application Processed by: Tyrone King  
 Date: 5 Dec 2018  
 Amount Paid:  
 Date Payment Received:  
 Receipt Number:



